

## **COUNTY COUNSEL'S OFFICE**

### **I. DEPARTMENT MANDATES**

The County Counsel's Office serves as civil legal advisor for County offices, departments, boards and commissions, schools and other districts in the County. The office's duties include filing and litigating civil cases, providing legal counsel services to the Board of Supervisors, County departments, Board-governed special districts, authorities and agencies, LAFCO, and the civil grand jury. The County Counsel's Office is designated by the Board of Supervisors to be the attorney for the Public Administrator, to handle L-P-S proceedings involving persons disabled by mental illness, drug and alcohol problems, and to represent the Children & Family Services Bureau in juvenile dependency matters.

By fee contract, the County Counsel's Office provides advisory legal services to the County's judges and referees and advisory and court legal services to the County Superintendent of Schools, the County Board of Education, school districts as requested, the Contra Costa County Schools Insurance Group, and the Delta Diablo Sanitation District.

### **II. MAJOR PROGRAM DESCRIPTIONS (AS OF JANUARY 1, 2003)**

#### **A. GENERAL COUNTY GOVERNMENT**

##### **GENERAL LAW DIVISION**

This program area includes the provision of all legal services to County departments, officers and boards, and outside public clients, other than those services provided by the Tort Litigation and Juvenile Dependency Divisions, described below. Representative clients and services include:

1. Core County Departments. These core departments include the Board of Supervisors, County Administrator, Human Resources, Auditor-Controller, Treasurer-Tax Collector, and the Merit Board.
2. Health, Sanitation and Community Protection. This category includes the provision of legal services to the Health Services Department, including its public health, environmental health and hazardous materials divisions, the hospital and clinics, CCHP, and mental health services. This category also covers legal services to those departments, programs and agencies that protect the general public, and provide services that preserve the environment and enhance the quality of life. Representative departments include Public Works, Building Inspection, Community Development (including solid waste

management), Redevelopment Agency, Water Agency, Flood Control, the fire protection districts, and Animal Control.

3. Public Protection, Superior Court, County Clerk. This includes legal services provided to the County's justice system, including the Sheriff, Public Defender, District Attorney, Superior Court and County Clerk - Elections.
4. Social Services and Probate. This category includes legal services for the Employment and Human Services Department (administrative advice, personnel matters, general assistance, IHSS Public Authority, etc.) and to the Public Guardian and Public Administrator.
5. Miscellaneous County and Outside Clients. This program includes legal services provided to various agencies governed by the Board of Supervisors (Libraries, Housing Authority, Community Services Department, CATV, etc.) and to other public clients (LAFCO, County Schools, Delta Diablo Sanitation District, etc.).

BUDGET: \$3,775,532  
FTE 23

**B. JUVENILE DEPENDENCY DIVISION**

The Juvenile Dependency/L-P-S Division provides legal services to the Children and Family Services Bureau of the Employment and Human Services Department regarding juvenile dependency matters. These services include daily calendar appearances, appearances in thousands of contested dependency cases each year, as well as training and legal advice to Children and Family Services. In addition, this division provides legal services in connection with temporary conservatorships.

BUDGET: \$2,099,141  
FTE: 18

**C. TORT LITIGATION DIVISION**

This program covers legal representation in tort and civil rights litigation, as well as preventive law training and assistance with the supervision of outside tort litigation attorneys in conjunction with Risk Management.

BUDGET: \$938,784  
FTE: 6

**D. DEPARTMENT DATA**

BUDGET: \$6,813,457  
FTE: 47

CLASS	ALLOCATED POSITIONS (as of 1-1-03)
Attorneys	33
Clerical	14

#### EMPLOYEE PROFILE:

	Male	Female	Total	Percent
<b>Caucasian</b>	11	25	36	78.0%
<b>Hispanic/Latino</b>	2	0	2	4.0%
<b>African/American</b>	0	4	4	9.0%
<b>Pacific Is/Asian</b>	0	4	4	9.0%
<b>Native American</b>	0	0	0	0%
<b>Total</b>	13	33	46	100%
<b>Percent</b>	31.8%	68.2%		

### III. DEPARTMENT ACCOMPLISHMENTS

#### A. SIGNIFICANT LITIGATION

1. Urban Limit Line. In 2001, this office, with assistance from outside counsel, successfully defended the Board's August and September 2000 decisions to modify the urban limit line. The specially assigned outside judge ruled in favor of the County. One of the five original developers who challenged the Board's decisions (Finley-Tassajara Corporation) appealed, contending that the trial court erred in finding that the amendments to the County's general plan were adopted in compliance with local planning ordinances and state environmental review standards. In October 2002, following briefing by the parties and argument before the Court of Appeal, the First Appellate District affirmed the lower court's judgment and denied the appeal, upholding the Board's decisions in all respects.
2. Energy Litigation. In cooperation with the Attorney General's Office, this office obtained a \$3.5 million settlement from the Williams Companies, which were among several power companies sued by the County and several other public and private entities related to the energy crisis of 2000-2001. The settlement, to be paid to the County in installments over four years, will fund activities that promote alternative

energy production or improved energy efficiency in the County. We continue to work with outside counsel and the Attorney General's Office on the remaining litigation and further settlement efforts.

3. Defense of Foster Care Program. In 2002, the County was brought into a nationwide debate about the care of foster children. Lawsuits were filed around the state and the country claiming that state and county foster care programs could not use Social Security funds to contribute to the care of foster children but, instead, had to hold those funds in trust for the children until they reached the age of majority. The issue was one with far-reaching consequences for this and all counties.

In *Laurie Q. v. County of Contra Costa* the plaintiffs (eight foster care children) alleged that a number of practices in this County's Employment and Human Services Department's foster care program were unlawful. Most significantly, the plaintiffs asked the court to certify a class, comprised of thousands of current and former foster care children, for the purpose of determining that the practice of using Social Security benefits to defer the cost of foster care was illegal. If the plaintiffs had been successful, the exposure to the County was estimated to be in the range of \$15,000,000. We were successful in persuading the court not to certify the class, eliminating this major financial exposure. The litigation of this case continues, but the only cause of action remaining is a request for injunctive relief (which does not involve the payment of damages) relating to the preparation and review of case plans.

This office took an active roll in advising and assisting other counties on this issue. In addition, this County joined with others in opposing a similar case in the United States Supreme Court (*Danny Keffeler v. Washington State Department of Social Services*). In a significant victory for counties, the U.S. Supreme Court recently issued its opinion upholding the practice of using Social Security funds to contribute to the cost of foster care.

4. Juvenile Hall Construction Litigation. In *Contra Costa County v. Insurance Co. of the West (Donaghue)* this office successfully litigated a construction defect case against the original contractor hired for the Juvenile Hall Tamalpais Wing project and his bonding company, and successfully defended against the contractor's cross-complaint claiming \$965,000 from the County for wrongful termination of his contract. Following mediation, we obtained an \$800,000 settlement from the original contractor, his bonding company, and other parties. This covered the expenses that the County paid to hire a second contractor to demolish and complete the original contractor's work. As

part of the settlement, the \$965,000 cross-complaint against the County was dismissed with the County paying nothing.

## **B. MAJOR PROPERTY TAX LITIGATION AND SETTLEMENTS**

During 2002, this office engaged in the following major property tax activities.

1. Shell/Equilon Martinez Refinery. In January of 2002, after a very lengthy, difficult hearing we obtained a final decision and findings from the Assessment Appeals Board, completely sustaining the Assessor's values for the 1/1/98 lien date and, more importantly, the 7/98 change of ownership base year value for the Shell/Equilon Martinez Refinery. Shell/Equilon had sought to have its values decreased by about \$750 million in those appeals. After the decision in favor of the Assessor, Shell/Equilon filed a claim for refund, preserving its right to appeal the Assessment Appeals Board decision to the Superior Court.

In addition, Shell/Equilon appealed the 1999, 2000, and 2001 years, seeking similar \$750 million dollar reductions for all years. During 2002, we spent a great deal of time, and incurred considerable expense with our experts, refining our valuation methodology in preparation for a major hearing scheduled for January 2003 on the 1999 and 2000 years.

In September of 2002, we resolved six years of disputes with Shell/Equilon over the Martinez Refinery values, including the above five years and the 2002 year (for which Shell/Equilon was about to file an appeal). The settlement insured that the 1/1/98 and 7/1/98 values will not be challenged by appeal to the Superior Court, thereby preserving indefinitely the base year value. Further, Shell/Equilon agreed to withdraw all appeals and not challenge the 1999 through 2002 year values. In return, the Assessor agreed to reduce only the 2002 year value from \$1.537 billion to \$1.4 billion. Since the 2002 taxes had not yet been paid, Shell/Equilon got no refund.

The Shell/Equilon settlement eliminated the risk that Contra Costa public agencies could ultimately have lost up to \$4.5 billion in valuation (over a 6-year period), which equates to a saving of approximately \$50 million in property tax dollars.

**C. JUVENILE DEPENDENCY SERVICES**

The County Counsel's Juvenile Dependency/L-P-S Division continues to represent Children and Family Services in every court-ordered juvenile dependency case. County Counsel attorneys must appear in six different venues per day and appeared in 110 more contests in 2002 (3,081 contested cases) than in 2001 (2,971 contested cases).

During 2002, the Juvenile Dependency Division/L-P-S maintained regular weekly office hours in each district office of Children and Family Services (twice-weekly in East and West County) providing ongoing training and legal advice. Various County Counsel attorneys when requested by the department conducted quarterly training of new social workers. In addition, County Counsel attorneys meet on a monthly basis with the Juvenile Bench.

Juvenile dependency cases continue to be complex and challenging. County Counsel attorneys spend considerable time working with Children and Family Services assisting with the preparation of policies and protocol, and advising social workers on case preparation, compliance with state and federal law, and other legal issues.

**D. TORT LITIGATION SERVICES**

The Tort Litigation Division continues to directly handle civil rights, personal injury, employment and general negligence cases in which the County or its employees are defendants. The in-house attorneys save approximately 30% of the hourly cost of outside counsel costs on a per hour basis. In addition, the Division's practice of making an early, focused effort to oppose lawsuits filed against the County appears to resolve many of these cases in less time than similar cases handled by outside counsel.

In 2002, the Division increased the number of files it opened by 10%. Fifty-five cases were closed following dismissal, settlement, judgment or other disposition. Of the cases closed, 67% were resolved by dismissal or judgment in the County's favor, without any recovery against the County. Settlement was achieved in 29% of the cases closed, with the vast majority of settlements at less than \$20,000. Only four of the 55 cases required settlement amounts greater than \$20,000.

**E. FIRE DISTRICT CONSOLIDATION**

The County Counsel's Office provided substantial legal assistance regarding the creation of the new East Contra Costa Fire Protection District, which took effect November 1, 2002, and replaced the Oakley, Bethel Island and East Diablo Fire Protection Districts. The consolidation process required considerable planning, LAFCO approval, and the

transition of the three existing Districts' employees and property into the new successor, East Contra Costa Fire Protection District.

## **F. ORDINANCES**

During the past year this office assisted in the drafting, review and adoption of a record number of significant County ordinances.

1. Community Preservation Program. A significant goal of the Board of Supervisors has been the establishment of a comprehensive community preservation program to address the overall improvement of neighborhoods throughout the County. This office and other departments met frequently to evaluate possible components of the program and to develop a comprehensive program. As approved by the Board of Supervisors on December 17, 2002, the community preservation program includes three ordinances drafted by this office. The residential property nuisance ordinance, the boarding ordinance, and the fencing ordinance are all designed to prohibit various conditions that cause blighted neighborhoods and to establish standards to prevent blight.
2. Fines and Penalties. This office drafted ordinances that increase the amount of administrative fines that may be imposed for some ordinance code violations, authorize the Environmental Health Director to issue infraction citations for health code violations, and authorize the Sheriff to enforce the abandoned vehicle ordinance on private roads.
3. Building and Fire Code Revisions. This office also drafted revisions to the County building code, and reviewed and revised the County fire code. These codes protect the public by establishing standards and requirements for building construction and fire safety.
4. Regulation of Nuisance Activities. This office drafted the "deemed approved" alcoholic beverage sales activity ordinance, which is designed to eliminate nuisance activities at some businesses that sell alcoholic beverages. The ordinance requires that new alcoholic beverage retailers obtain a land use permit from the County before opening for business and requires new and existing retailers to meet certain performance standards designed to eliminate repeated nuisance activities (such as disturbing the peace, public drunkenness, vandalism, loitering, or lewd conduct) occurring on or near a retailer's premises.
5. Tobacco. At the direction of the Board of Supervisors, this office drafted a tobacco retailer's license ordinance to address the problem of tobacco sales to minors. Under the ordinance, no retailer, individual, or entity may sell or offer for sale any tobacco products in the

unincorporated area of the County without first obtaining a license. Licenses are issued annually and may be suspended for any violation of local, state, or federal tobacco-related laws, nonpayment of fees or illegal transfers. Violators of the ordinance may also be punished by fines.

6. Financial Privacy. At the direction of the Board of Supervisors, this office prepared a financial privacy ordinance, modeled on the Model Ordinance Regulating Disclosure of Confidential Consumer Information by Financial Institutions. This ordinance protects consumers' privacy with respect to information maintained by financial institutions, and requires that financial institutions obtain a consumer's consent before sharing such information with third parties or with affiliates. We are currently extensively involved in litigating a challenge to this ordinance.

#### **G. PUBLIC CONSTRUCTION AND TRANSPORTATION PROJECTS**

1. Pinole and Martinez Animal Shelters. This office provided substantial legal assistance to the Animal Services Department and the County Administrator's Office in a complex transaction involving the acquisition of land from the Pinole Redevelopment Agency, the construction of the new \$1.3 million animal shelter on the acquired site, and the transfer of the County's existing shelter in Pinole to the Pinole Redevelopment Agency. At the same time, we assisted with the bidding and contract award of the Martinez Animal Shelter, a \$7.6 million construction project. Both projects are also currently under construction.
2. New Powers Day Care Center, Richmond. This office assisted with the bidding and contract award for this \$4.4 million construction project. Our services included preparing bid specifications, participating in negotiations, providing legal advice about bid protests and other issues, and preparing the contract award documents. This project currently is under construction.
3. Major Road Projects. This office continues to address legal issues pertaining to three concurrent major road projects—two involving the County, the Contra Costa Transportation Authority and Caltrans, and the third initiated by the State Route 4 Bypass Authority: (1) the State Route 4 West Gap Project in the Hercules area; (2) the State Route 4 East Project in the Pittsburg area; and (3) the State Route 4 Bypass Project, an expressway from existing SR4/SR160 to SR4 south of Brentwood.

## **H. TRAINING**

This office provides training to County agencies, commissions, and managers in a variety of areas.

As directed by the Board, in conjunction with the County Administrator's Office, we put together a training program on the open meeting and conflict of interest laws for County advisory body members and staff. In September 2002, we provided training about the new program for committee chairs and staff. Representatives from 80 advisory bodies were invited. The training program includes an Advisory Body Handbook for which we prepared sections on compliance with the Brown Act, Better Government Ordinance, and conflict of interest requirements. We also frequently respond to questions from departments and advisory bodies about compliance with open meeting and conflict of interest laws.

In addition, we prepared a comprehensive "Guide to Contracts Administration" and updated the County standard contract forms in a collaborative effort with the County Administrator's Office and various departments. We presented a contracts training session to contract administrators from all County departments in the use of the new forms and procedures.

As part of the County's continuing efforts to avoid discrimination, reduce litigation exposure, and educate staff, we also provide advise and instruction to clients in areas such as risk management, employment law, discrimination, disability (covering both the Americans with Disabilities Act and the Fair Employment and Housing Act), and privacy laws, such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA) which regulates the portability of health insurance and the privacy and security of health information.

## **I. SERVICE HOURS**

For the calendar year 2002, the total revenues received and expended by the County Counsel's Office were \$4,442,289. The office provided 95,815 hours of service, which includes uncompensated overtime worked by County Counsel attorneys. If all of these hours could have been billed out, they would have generated \$7,285,125 in revenue. The difference of \$2,842,836 represents a considerable value to the County and is, in our view, a significant accomplishment.

#### **IV. DEPARTMENT CHALLENGES**

##### **A. INTERNAL TO DEPARTMENT**

1. Resources. The most significant, continuing, major challenge facing the County Counsel's office is the maintenance of its resources (staff, equipment, etc.) to provide an appropriate level of legal services to those County and departmental operations that are funded by the General Fund or from restricted funds for which no interdepartmental charges have been authorized. This office experienced several vacancies and retirements in 2002 and the first quarter of 2003. We are also aware of the budget shortfall anticipated in FY 2003-04. If we are not able to maintain current levels of staffing, we will have to consider diverting some attorneys from providing legal services in General Fund areas to revenue-generating clients and programs.
2. Recruitment. We continue to evaluate how to recruit and retain well-trained attorneys, and how to make initial employment faster and more attractive. The time between the initiation of the hiring process and the date a list of candidates is available is generally six months. This lengthy hiring process creates a burden on existing staff and results in a loss of potential candidates who might have been available when the position was announced but are no longer available five or six months later when the list is compiled. Another challenge derives from our location. Applicants perceive Martinez as either too distant from San Francisco or too close to it, in light of the Bay Area's very high housing costs.
3. Staff Development and Training. This office has experienced the same loss of workforce and institutional memory encountered by many other departments in the past several years. One-third of our attorney staff has been with the office for less than three years. Keeping and making the best use of our senior staff, while integrating new attorneys into the office and training them, is a continuing challenge. In 2002, the attorneys in this office spent an average of 25 to 30 hours apiece in professional education and training.

##### **B. INTERNAL TO COUNTY OPERATION**

1. Impact of Budget Shortfall. In bad economic times, the demand on the County Counsel's Office increases. When County departments are impacted by program and staff reductions, they call upon the County Counsel's Office to advise them on the relevant legal issues and procedures, to review and prepare necessary documents and to represent them at hearings. For example, layoffs and hiring freezes generally result in an increase in employee grievances. Employees impacted by layoffs or a hiring freeze may challenge the layoff process,

the redistribution of workloads or work shifts, required or limited overtime, limitations on sick leave, vacation and leaves of absence, and other workplace adjustments made necessary by requiring fewer employees to do the same work. The County Counsel's Office advises departments on these issues and represents them at grievance hearings.

In addition, a reduction in services to the public, at a time when a downturn in the economy is increasing the need for public services, gives rise to a myriad of procedural and legal concerns. To take one example, reducing or eliminating medical services at County facilities can trigger the Beilenson notice and hearing requirements, which give those impacted by the reduction in services the right to challenge the reduction. This office is extensively involved in the notice and hearing process.

2. New Laws Governing Labor Relations. As a result of recent changes to the Meyers Milius-Brown Act (MMBA), the County is now subject to the jurisdiction of the California Public Employment Relations Board (PERB) for certain, identified labor relations issues. PERB now has jurisdiction to determine and remedy charges of unfair labor practices and to enforce and apply rules concerning unit determinations, union representation, recognition of employee organizations, and union elections. Prior to this change in the law, these issues were resolved or determined by the Human Resources staff. The role of this office was limited to providing legal advice as needed. Now, when a union files a charge with PERB, formal administrative procedures are triggered. These procedures require an attorney to file formal responses and answers, make appearances at hearings and conferences, respond to information requests, review and investigate the merits of the County's case, and otherwise represent the County in a formal administrative forum and process. These new cases take time and resources already stretched thin by existing demands.
3. New Laws Concerning Medical Privacy - HIPAA. The Health Insurance Portability and Accountability Act of 1996 ("HIPAA") was enacted to provide, among other things, nationwide privacy standards for personal health information created, maintained or disclosed by health plans, health care clearinghouses and certain health care providers. The privacy regulations promulgated under HIPAA became enforceable on April 14, 2003. The County is a covered entity under HIPAA, and those departments that are part of the County's HIPAA-covered component must comply with the privacy regulations. The complexity of the regulations has resulted in an increased demand on this office for advice regarding the implementation of HIPAA within the County in order to ensure County compliance with the many facets of

the privacy regulations, including the designation of the covered component within the County, documentation of privacy policies, defining sanctions for violations of those policies, the development of a required Notice of Privacy Practices, and the necessary training of all employees within the HIPAA-covered component.

4. Preventive Assistance. A continuing challenge is to provide timelier preventive legal/administrative assistance to County department staffs while being almost entirely occupied with addressing current occurring legal problems and/or crises. This is and will continue to be addressed as legal resources can be appropriately directed to preventive legal/administrative advice activities.

**C. EXTERNAL TO COUNTY OPERATION**

1. Energy Issues. We continue to monitor the PG&E bankruptcy proceedings on behalf of several County departments that are owed fees and other payments from PG&E. We are also working, in conjunction with the County Counsels' Association, to monitor and influence PG&E's bankruptcy plan of reorganization to protect the interests of counties and ratepayers generally.
2. Financial Privacy. Privacy is becoming more of an issue nationwide in many areas, including medical privacy (as evidenced by HIPAA) and financial privacy. Financial privacy is a particularly pressing issue in California, where statewide financial privacy bills have failed several times during the last few years. This issue particularly impacts our County because in 2002, in part due to the lack of State legislation, a County ordinance was adopted to address the use of personal information by banks and other financial institutions. The County's ordinance (along with ordinances adopted in San Mateo County and in Daly City) has been challenged by Wells Fargo and Bank of America in federal court. Following the lead of Contra Costa, San Mateo and Daly City, several other counties (including San Francisco and Alameda) have passed financial privacy ordinances, and many more counties and cities are monitoring the litigation.
2. Terrorism. The recent concerns regarding terrorism have required increased services from several County departments, including the County Counsel's Office. To take one example, this office has been called upon to provide legal advice and consultation to the Health Services Department on the bioterrorism program and legal liability issues of Phase I of the small pox inoculation program in Contra Costa County.

## V. PERFORMANCE INDICATORS

### A. COUNTY COUNSEL'S OFFICE WORKLOAD REPORT

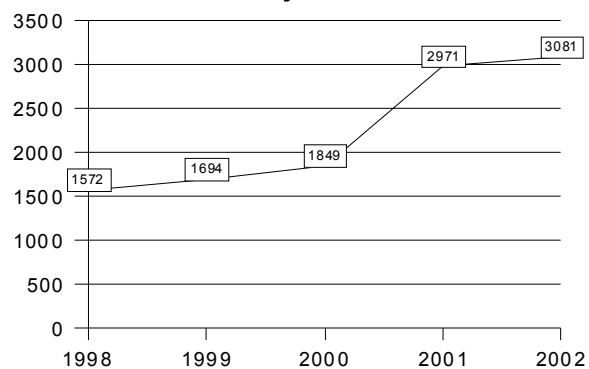
Function/Activity	Calendar Yr 1998	Calendar Yr 1999	Calendar Yr 2000	Calendar Yr 2001	Calendar Yr 2002
<b>I. <u>Civil Litigation*</u></b>					
A. New Cases Opened	163	182	143	152	197
B. Total Litigation hrs.	13,012	13,900	14,430	16,850	17,238
*(Excludes juv and lps actions)					
<b>II. <u>Juvenile Services</u></b>					
A. Dependency Cases Opened	555	812	798	1185	805
B. Total Hours on Dependencies	7,519	17,256	17,951	23,378	27,417
<b>III. <u>Temporary Conservatorship (LPS)</u></b>					
A. New Cases Opened	306	400	543	578	881
B. Total Hours for Temp LPS Cases	939	1,189	1,122	1,423	1,785

### B. JUVENILE SERVICES WORKLOAD REPORT

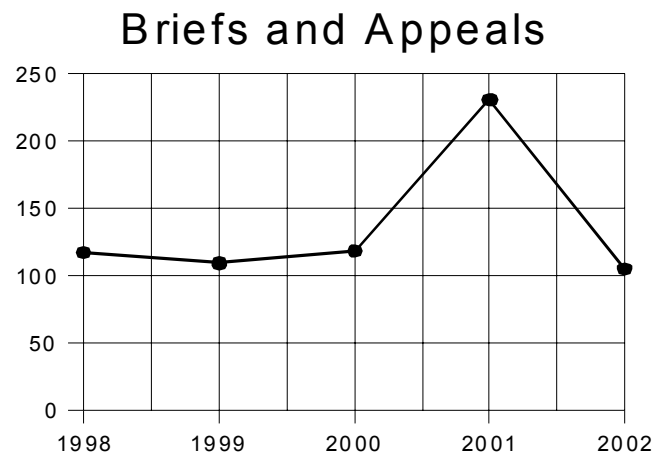
Contests - Antioch, Dept 61, Dept 10, Dept 18, Richmond

Year	1998	1999	2000	2001	2002
Contests	1572	1694	1849	2971	3081

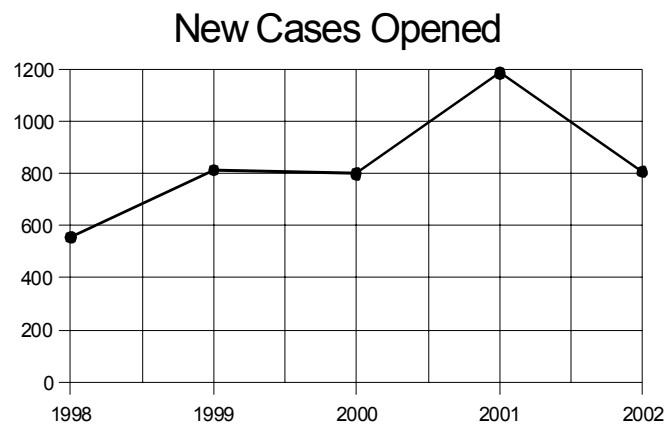
Contests by Each Child



Year	1998	1999	2000	2001	2002
Briefs & Appeals	117	109	118	230	105



Year	1998	1999	2000	2001	2002
New Cases Opened	555	812	798	1185	805



### C. LITIGATION PERFORMANCE MEASURES

Performance Measures	FY 2000-01 Actual	FY 2001-02 Actual	FY 2002-03 Estimated	FY 2003-04 Estimated
<b>Workload Indicators</b>				
Total Litigation Hours	15,640	14,450	14,500	15,550
Juvenile Dependency Cases Opened	991	1,220	1,250	950
Dependent/Abandon Hearing Appearances	20,699	23,439	24,142	24,200
<b>Outcome Indicators</b>				
Resolution of Cases within Liability Targets	100%	95%	95%	95%
Department Personnel Decisions Upheld	92%	86%	97%	85%

This section contains the following workload and outcome indicators.

#### Indicators:

- Total hours spent on cases in active litigation.
- Number of juvenile dependency cases opened.
- Number of dependant/abandon hearing appearances.
- The percentage of cases resolved within liability targets.
- The percentage of personnel decisions upheld.

#### Results/Benefits:

In fiscal year 2001-2003:

- Approximately 14,450 hours were spent on litigation matters by County Counsel attorneys.
- The Juvenile Dependency unit opened 1,220 new juvenile dependency cases and made 23,439 dependent/abandon hearing appearances.
- Ninety-five percent of cases assigned to the Civil Litigation-Tort Unit were resolved within liability targets and 86% of department personnel decisions were upheld by General Law Division attorneys.

1. Civil Litigation–Tort Unit, Assigned Cases.

- (a) STANDARD: Number of cases resolved with a “remote chance” of liability by dismissal or judgment within estimated cost-of-defense liability targets.  
OUTCOME 2002: Resolved 100% of cases within this standard.
- (b) STANDARD: Number of cases resolved with a “reasonable possibility” of liability at a cost equal to or less than 75% of amount administratively reported at risk and within liability targets.  
OUTCOME 2002: Resolved 100% of cases within this standard.
- (c) STANDARD: Number of cases resolved with a “probability” of liability at a cost equal to or less than amount administratively reported at risk and within liability targets.  
OUTCOME 2002: Resolved 100% of cases within this standard.
- (d) STANDARD: No liability in 80% of assigned civil rights cases.  
OUTCOME 2002: There was no liability finding in any civil rights case. In 79% of assigned civil rights cases, resolution was without payment (18 out of 23 cases). 21% of the civil rights cases settled (5 of 23 cases) – all within projected reserves.
- (e) STANDARD: Denial of liability, by settlement, dismissal, or trial, for violation of civil rights in 80% of cases litigated.  
OUTCOME 2002: There was denial of liability in 100% of civil rights cases. Even in settled civil rights cases, no admission of liability was made.

2. Other Civil and Administrative Litigation.

- (a) STANDARD: Uphold at least 80% of Board of Supervisors’ decisions legally challenged.  
OUTCOME 2002: Two cases fell within this reporting standard. The Board’s decision was upheld in both cases, resulting in our upholding 100% of the decisions in this category.
- (b) STANDARD: Denial of civil writs of mandate in at least 80% of petitions litigated.

OUTCOME 2002: Two civil writs of mandate were litigated in 2002. Both were denied, resulting in 100% of the cases being resolved favorably for the County.

- (c) STANDARD: Uphold at least 75% of department personnel decisions and actions in administrative proceedings (Merit Board, arbitration, etc.).

OUTCOME 2002: 85% of department personnel decisions that were referred to hearing in administrative proceedings such as arbitration, Merit Board, etc., were upheld.

- (d) STANDARD: Uphold an average 80% of Assessor's assessment in business property tax appeals where roll value exceeds \$30 million per case.

OUTCOME 2002: Achieved goal of over 90% on average for major appeals.

3. Advisory Performance Measures.

- (a) STANDARD: Respond to 90% of written requests for services requiring drafting or legal analysis within 30 days or negotiated time targets, including extensions.

OUTCOME 2002: Over 98% of written requests for services requiring drafting or legal analysis were responded to within 30 days or negotiated time targets, including extensions.

- (b) STANDARD: Approve 95% of County Counsel standard form contracts received within seven working days from receipt of request.

OUTCOME 2002: Approved 99.5% of standard form contracts received within seven working days from receipt of request.

